



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

FEB - 9 2017

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

**NOTICE OF VIOLATION and REQUEST FOR INFORMATION
CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Ms. Amy Van Ostenbridge
Director of Regulatory Affairs
Silver Bay Seafoods, LLC
4039 21st Avenue W, Suite 201
Seattle, Washington 98199

Re: Silver Bay Seafoods, AKG520547

Dear Ms. Ostenbridge:

On behalf of the United States Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the August 31 and September 2, 2015, federal Clean Water Act inspection of the Silver Bay Seafoods facility ("Facility") in Sitka, Alaska. The purpose of the inspection was to gather information regarding Silver Bay Seafoods' operation, as part of an overall and ongoing evaluation, of the compliance status of your Facility with the Clean Water Act and the Alaska Seafood Processors General Permit ("Permit"). On September 28, 2016, the EPA issued a Request for Information to Silver Bay Seafoods, and you responded on October 31, 2016. We have evaluated the inspection information and the materials submitted by Silver Bay Seafoods in response to the EPA's Information Request. I want to convey to you, that the EPA has identified the following violations, which may be further modified:

1. Part V.C.1.c of the Permit states, "A permittee shall route all incidental seafood processing waste in scuppers and floor drains through a waste conveyance system to the waste treatment system prior to discharge."

At the time of the inspection, the EPA inspector observed part of the waste conveyance system pipeline beneath the Facility's dock had been disconnected, resulting in the illegal active discharge of seafood processing wastewater directly into Silver Bay. The disconnected pipeline also created an illegal active discharge of seafood processing waste on the catwalk beneath the disconnected pipe. These are violations of the Permit.

In addition to the above violations, the EPA inspector observed seafood waste on the floor in a warehouse/maintenance area on the south end of the processing plant. This seafood waste had the potential to fall through openings between the boards on the dock and into the water below the Facility.

2. Part V.C.1.d of the Permit states, “A permittee shall conduct a daily visual inspection of the waste conveyance, including a close observation of the sump or other places of effluent collection, for the removal of gloves, earplugs, rubber bands or other equipment used during the processing of seafood that may inadvertently be entrained in the wastewater.”

As described above, during the inspection, the EPA inspector observed a disconnected section of a seafood process waste conveyance line beneath the Facility’s dock, resulting in an illegal active discharge into Silver Bay. Silver Bay representatives informed the EPA that inspections of these pipes occur only twice a year and are not documented. This is a violation of the Permit.

3. Part V.C.1.e of the Permit states, “A permittee shall conduct a daily inspection of the grinder system during the processing season to confirm grinder operation and size reduction of seafood residues to one-half inch or smaller. Failure of the one-half inch grinding size shall be reported to the EPA and ADEC in accordance with Part VII.C and summarized in the annual report.”

Parts VI.D.3.a and VI.D.3.b of the Permit require permittees to monitor the sea surface and shoreline to provide daily assessments of the presence and amounts of residues floating on the sea surface during operations, and to provide periodic assessments of the presence and amounts of residues deposited upon the shore during operation.

The 2015 grinder/waste conveyance and sea surface/shoreline monitoring logs do not include inspections for 28 and 29 days of the season, respectively, as provided below. These are violations of the Permit.

Grinder/waste conveyance logs not completed	Sea surface/shoreline logs not completed
6/12	6/12
6/13	6/13
6/14	6/14
6/16	6/16
6/17	6/17
6/19	6/18
6/20	6/19
6/21	6/20
6/23	6/21
6/24	6/22
6/25	6/23
6/26	6/24
6/28	6/25
6/30	6/26
7/1	6/30
7/2	7/1
7/3	7/2
7/5	7/8

7/7	7/9
7/8	7/19
7/9	7/27
7/11	8/11
7/12	8/14
7/16	8/23
7/23	8/26
8/3	9/17
9/23	9/20
9/24	9/23
	9/24

4. Part VII.C.1.c of the Permit states, "A permittee shall report to the EPA and ADEC by telephone within 24 hours from the time a permittee becomes aware of any unanticipated bypass that results in, or contributes to, an exceedance of any effluent limitation in the Permit."

As described above, during the inspection, the EPA inspector observed a disconnected pipe under the dock which was illegally discharging directly into Silver Bay. The disconnected pipe, discovered beneath the dock during the inspection, was not reported to the EPA or ADEC. This is a violation of the Permit.

5. Part V.C.1.h of the Permit states, "A permittee shall not discharge any other wastewater that contains foam, floating solids, grease or oily waste which produce a scum or sheen on the water surface, nor wastes that deposit residues which accumulate on the seafloor or shoreline."

At the time of the inspection, the EPA inspector observed the Facility discharging seafood catch transfer water from the processing plant into Silver Bay. The observed discharge was bloody, contained solids and created an abundance of foam on the surface of the water beneath the dock. This is a violation of the Permit.

6. Part VI.D.3.a.2 of the Permit states, "The objective of sea surface monitoring is to provide a daily assessment of the presence and amount of floating residue (mats of foam) on the sea surface during shorebased facility operation and discharge within 100 feet of the seaward physical boundary of the facility (e.g. docks and piers)."

Upon review of the 2015 sea surface and shoreline monitoring logs, the EPA inspector determined that the foam observed on the day of the inspection was not identified by Silver Bay Seafoods on the sea surface and shoreline monitoring log for August 31, 2015. This is a violation of the Permit.

7. Parts V.C.1.h and V.C.1.j prohibits permittees from discharging any wastewater that contains foam, floating solids, grease or oily wastes which produce a scum or sheen on the water surface, or which cause a film, sheen emulsion or scum on the surface of the water.

Review of the sea surface and shoreline monitoring logs indicates that Silver Bay observed an oily sheen on the sea surface during its sea surface and shoreline monitoring events on July 10, 11, and 13, 2015, and September 7, 2015. These are violations of the Permit.

8. Part VI.A.4.c of the Permit states, “Under the BMP plan and any Standard Operating Procedures (SOPs) included in the plan, the permittee shall ensure the proper operation and maintenance of the facility and the control of the discharge or potential release of pollutants to the receiving water.”

Silver Bay’s BMP Plan fails to ensure the proper management and minimization of seafood catch transfer water and oily wastes, as evidenced by the violations described above. *This is a violation of the Permit.*

9. Part V.C.1.b of the Permit states, “A permittee shall route all seafood processing wastes through a waste conveyance and treatment system. The waste solids discharged from its outfall(s) shall not exceed one-half (0.5) inch in any dimension.”

The grind size sample collected during the inspection contained multiple pieces of seafood processing wastes that exceeded the ½ inch requirement. This is a violation of the Permit.

10. Part V.C.1.j of the Permit states, “A permittee shall not discharge seafood sludge, deposits, debris, scum, floating solids, oily waste or foam, which alone or in combination with other substances, cause a film, sheen, emulsion or scum on the surface of the water.”

At the time of the inspection, there was a large plastic bag of trash from the vessel, *SBS Provider*, on the edge of the dock. The EPA inspector observed an oily sheen coming from the trash bag, which mixed with rain water and entered Silver Bay. This is a violation of the Permit.

INFORMATION REQUESTED

Section 308 of the CWA, 33 U.S.C. § 1318, authorizes the EPA to require the submission of records, reports, and other information for the purpose of determining whether any violations of the CWA have occurred, and to carry out any other provision of the CWA. Due in part to the violations identified above and to the impaired status of Silver Bay,¹ the EPA now requests that Silver Bay Seafoods complete a seafloor monitoring survey.

¹ The 2011 Silver Bay Environmental Monitoring Report, *available at* http://www.cityofsitka.com/government/departments/publicworks/documents/SawmillCove2011report_Final.pdf, documented a substantial increase in stations showing the presence of bacterial colonies in Sawmill Cove, and stated, “In the four years since Silver Bay Seafood started processing fish and discharging into Sawmill Cove, a thin, discontinuous layer of fish waste has been deposited throughout much of the site, with accumulations thicker in some locations than others.”

Specifically, the EPA requests that Silver Bay Seafoods provide the following information and documents:

1. Submit a seafloor monitoring work plan to the EPA within 60 days of receipt of this letter;
2. Conduct a survey of the seafood waste pile at latitude 57.039361 and longitude - 135.224859 within 120 days of receipt of this letter; and
3. Submit a seafloor monitoring report to the EPA within 60 days of the date of the seafloor monitoring survey.

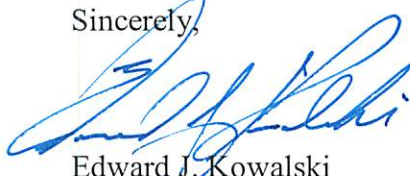
Please submit your written response to this Information Request to:

Tara Martich
U.S. Environmental Protection Agency, AOO
222 West Seventh Avenue #19
Anchorage, Alaska 99513
martich.tara@epa.gov

In addition, we ask Silver Bay to certify, with the enclosed Statement of Certification, that the response to this Information Request is true, accurate, and complete.

Please direct any technical questions regarding this Information Request to Tara Martich, NPDES Compliance Officer, at (206) 271-6323; for legal matters, contact Leah Brown, Assistant Regional Counsel, at (206) 553-8694. Thank you for your attention to this matter.

Sincerely,



Edward J. Kowalski
Director

Enclosure

1. Statement of Certification

cc: Mr. Mike Solter
Alaska Department of Environmental Conservation

STATEMENT OF CERTIFICATION

I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Title)

(Date)